

REMARKS

Claim 1 stands rejected under the judicially-created doctrine of obviousness-type double patenting in view of claims 1-21 of U.S. Patent No. 6,876,010, and in view of claims 1-18 of U.S. Patent No. 6,107,653. Claim 1 also stands rejected under 35 U.S.C. § 102(b) as being anticipated by European Patent Application No. 514,018 to Brasen *et al.* Additionally, claim 1 stands rejected under 35 U.S.C. § 102(e) as being anticipated by Fitzgerald *et al.* Applicant hereby cancels claim 1, without prejudice, thereby rendering all outstanding rejections moot. Applicant also adds new claims 35–51. Support for the new claims is found throughout the specification, for example, at page 6, line 5, to page 11, line 9. Applicant submits that no new matter has been added.

Applicant respectfully submits that new claims 35–54 are patentable over the cited art. None of the prior art references cited teach or suggest a method of fabricating a semiconductor structure that includes epitaxially growing a first crystalline layer over a substrate, planarizing a surface of the first layer, and epitaxially growing a second crystalline layer over the surface of first layer, wherein the first and second layers are substantially lattice-mismatched.

Applicant respectfully submits that all pending claims are in condition for allowance and requests a favorable action. The Examiner is invited to telephone the undersigned to discuss any outstanding issues.

Respectfully submitted,

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